

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE ADMINISTRATIVE AND  
REGULAR SESSIONS OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
January 15, 2009**

**ADMINISTRATIVE SESSION**

**\*CALL TO ORDER**

Mayor Schlum called the meeting to order at 5:45 p.m.

**\*ROLL CALL**

Present for roll call were the following members of the Fountain Hills Town Council: Mayor Schlum, Councilmember Contino, Councilmember Vice Mayor Leger, Councilmember McMahan, Councilmember Hansen, Councilmember Archambault and Councilmember Dickey. Town Attorney Andrew McGuire, Town Manager Rick Davis, Human Resources Administrator/Risk Manager Joan McIntosh and Town Clerk Bevelyn Bender were also present.

**AGENDA ITEM #1 - DISCUSSION OF A PROPOSED ON-CALL POLICY FOR TRAFFIC SIGNAL TECHNICIANS.**

Human Resources Director/Risk Manager Joan McIntosh addressed the Council relative to this agenda item and referred to the draft policy that was included in the Council's packets. She explained that prior to July 1, 2008, the Town had contracted with Phoenix Highway Services to do the Town's signal maintenance and emergency responses when the lights were out. She noted that they charged \$50,000 a year for the contract just to be on call and if the Town had to call them, they charged \$150 an hour to come out and fix the lights. The call out time began from the moment the workers left home and unfortunately, the representative who was assigned to Fountain Hills lived on the west side of the Valley. She said that the company notified the Town in the spring of 2008 that they were no longer going to be able to provide those services because they no longer had sufficient staff. She noted that Arizona State law required the Town to follow the Uniform Traffic Control Devices manual; they must have properly skilled maintenance personnel available without undue delay for all emergency and lamp failure calls.

Ms. McIntosh advised that Ken Kurth, the Town's Street Superintendent, had checked out options for the Town and found that the nearest contract agency available to do this was in California. She reported that they also charged \$50,000 a year to be on call plus travel time, which was a minimum of five hours, plus their hours of work once they arrived. They also required that there be a minimum of 200 signals to make it worth their time and the Town only had 12. She said that Mr. Kurth also checked with the City of Scottsdale because they had their own signal technicians on staff and they had declined to assist the Town only because they had a shortage of signal technicians and could not guarantee that the staff would be able to carry out the requirements of the job. Staff also checked with Fort McDowell and as they did not have traffic signals there were no technicians on staff for that purpose. She said that she had asked who maintained the signals that were on the Beeline Highway and determined that they were owned by ADOT. She added that ADOT would install traffic lights for small municipalities and maintain them up until the time that the municipality reached a certain number of lights, approximately three, and the Town had long exceeded that number.

Ms. McIntosh stated that the only option that became reasonable was to somehow bring in their own staff and train them to be able to take over the traffic signal maintenance and the emergency call out but they did not have anyone on staff with those credentials. She noted that the staff who carried out that work must be a Level 2 credentialed signal technician in order to even open the box on a light in order to comply with regulations. She added that the Town did not even have anyone at a Level 1 at that point. She informed the Council that Mr.

Kurth thought about one of the Town's retired signal technicians from Phoenix Highways, Pete Petrotta, who was well known and respected throughout the State. She said that Mr. Petrotta had recently retired but Ken called him and asked if he would be willing to help the Town out and train one of our employees to become a Certified Signal Technician and he had agreed to do so, on a part-time and temporary basis. She reported that they had a full-time maintenance technician on staff, Jim Michalak, who had expressed interest in doing this and had the aptitude to perform the job. Pete had started working with him and it was not long before Jim received both his Level 1 and Level 2 certifications. She noted that they were able to bring Pete on board part-time coincidentally, as one of the Town's full-time maintenance technicians retired that year; therefore, the Town had saved that half a year salary.

Ms. McIntosh stated that since Jim had received his certifications and Pete was still on board part-time, they had been bringing all of the Town's traffic signals up to Code (none of them were up to Code) and if they had to contract that work out it would have cost a minimum of up to \$10,000 per signal, just bring them up to Code, for a total of \$120,000 a year. She said that Pete and Jim had been able to accomplish this important task just during work hours.

Ms. McIntosh added that they had checked with other municipalities to see if they had an on-call policy in place similar to what was being proposed and all did with the exception of Phoenix, which had different rates that they paid. She explained that Phoenix did not have on-call technicians because they had people working three shifts around the clock.

Ms. McIntosh referred to the proposed draft policy and stated the opinion that it represented inexpensive insurance for the Town to be protected in the event of an emergency. She said that if the policy was approved at a future Council meeting, Paradise Valley had tentatively agreed to enter into an Intergovernmental Agreement to provide backup services in case of an emergency. She stated that for example if Pete decided to retire and all they had was Jim on board and if he went on vacation or was out sick, they could call Paradise Valley and they would respond within 30 minutes. She said that on the other hand, Jim would also be able to perform that same service for Paradise Valley if needed. She advised that the Town would have to put into place an on-call policy in order to do this and that would be discussed at a future meeting.

Ms. McIntosh advised that if the Town did not have someone to respond after hours they would not be in compliance with the MUTCD, which was a liability risk for the Town or the signal could stay in "flash" or a dark mode until the next day, which could also cause liability issues in the case of an accident. She added that the Street Technicians could put up a traffic control to eliminate all left turns and/or narrow the road to one lane to slow down the traffic until the light could be fixed but this option would require all of the available manpower and most of their traffic control devices and would take a minimum of three hours. She noted that there would be a safety factor involved with this option as far as having the workers out there and, in addition, if this option was used on Shea Boulevard where six of the twelve signals were located, it would result in considerable backup of traffic as the cars were funneled into one lane in each direction.

Ms. McIntosh discussed previous and proposed costs and said that a conservative figure was that the Town would still be saving about \$100,000 a year by having their own staff performing the work. She indicated her willingness to respond to questions from the Council and said that if they received a go ahead from the Council this evening, the issue would be addressed at the next Council meeting or a future Council meeting for consideration and discussion. She added that if it were approved, then the process would go into effect. She noted that they already had the money in the budget for this Fiscal Year, but they had not been using it so it probably would not be until July 1st in the new budget.

Ms. McIntosh and Ken Kurth responded to a variety of questions from the Council relative to this issue and discussion ensued relative to the importance of meeting Statutory requirements, the fact that they could not put a price on safety, the Mayor's opinion that the proposal represents a "win-win" situation for everyone involved; the importance of remaining competitive with the remaining municipalities in order to maintain staff; the fact that the program could go into effect prior to July if the Council so directed at a future meeting when this was

discussed; the fact that the policy could be implemented the day following the Council's action if that was the desire of the Council; the fact that Pete had expressed a willingness to stay on with the Town now that Jim was fully trained so that Jim would have a backup (on call every other week or every other month, whatever was decided); the fact that Pete worked approximately 25 to 20 hours a week right now and in the future could be used strictly as a backup for Jim; and additional savings that would be realized in the future if, and when, Pete was phased out although he would be needed to allow Jim some flexibility and down time.

Mayor Schlum and the members of the Council thanked Ms. McIntosh, Mr. Kurth and staff for all of their hard work in this regard.

## **AGENDA ITEM #2 - DISCUSSION OF ALTERNATIVES REGARDING NON-CUSTOMER DOWNTOWN PARKING ON LA MONTANA DRIVE.**

Town Manager Rick Davis addressed the Council relative to this agenda item and stated that Ms. Zanon's and his last contact with the Post Office was with the Post Master of Scottsdale and they petitioned him for assistance in the issue that the Town now faced with La Montana and non-customer parking. He said that the two-hour parking in front of the Bank on the Avenue had been extremely successful much to the pleasure and satisfaction of the Manager of that Bank. He explained that they had "pushed" those cars around the corner and noted that congestion and problems with parking in front of businesses from the corner of Que Bueno had existed for a long time and that was the area of their concern. He said that they were parking on both sides of the street and one side did not appear to be a particular problem. Mr. Davis advised that he and Kate had asked the Post Master what he would do and he said probably what we were proposing because he did not have any jurisdiction relative to where his employees parked. He added that they could not park in the Postal area because the exit and entrance of the trucks was not uniform throughout the day. The Post Master had indicated that he would have another talk with the employees and urge them not to park in front of the businesses all day. Mr. Davis said that this had a minimal effect although a few employees had taken the Town up on its offer to park in the auxiliary parking at Town Hall. He noted that for the most part, the employees were now parking not only on the western side of La Montana across from Town Hall, which was fine, but also on the east end of La Montana from the corner to Que Bueno and even a little beyond on the west side of La Montana.

Mr. Davis advised that Kate had received about seven or eight e-mails from merchants in the affected area supporting the restriction of parking times in front of their businesses. He said that he and Kate had also walked the streets and talked to as many businesses as they could about the issue and it appeared to him that for the most part to be uniform consensus that the Town install a two-hour parking limitation from the corner to Que Bueno. He said that the question then became where were the employees of the Post Office going to park and he said he had two proposals, the first being the less callous option. Currently, employees of the Postal Service were parking on the west side of La Montana adjacent to Town Hall. He said that on the east side of La Montana, was what he affectionately called the "bicycle path to nowhere," a very short bicycle trail that was contained in the Town's Master Plan. He stated that the shoulder was probably wide enough for Monday through Friday, when parking was needed, to allow parking right next to the curb of Town Hall on the east side of La Montana. He explained that this was a two-prong proposal: (1) They needed to give the businesses some relief by installing the two-hour parking from the corner up to Que Bueno; and (2) Would the Council consider allowing them to park their vehicles during their operational hours on the eastern side of La Montana from the corner adjacent to their property for as far as they needed to go?

Discussion ensued relative to all of the cars entering and exiting the Town's parking lot and the fact that many people made turns out by the mail boxes; the fact that there had been some "near calls" due to the large volume of traffic and adding another line of cars could result in accidents; Mr. Davis' response that they would probably have to paint or prohibit parking within a certain distance of the egress of the parking lot; and the fact that cars were parking on Avenue of the Fountains down across from the driveway now (beyond where the Sheriff's cars enter).

In response to a question from Councilmember Archambault, Public Works Director Tom Ward said that he looked into the history of how the 30-minute parking was established to the north and found out that the businesses were in favor of 30-minute parking (the florist shop, etc.).

Councilmember Archambault asked if they could continue the 2-hour parking all the way down (not stop it at Que Bueno) for consistency sake (past Parkview to where the 30-minute parking takes place). Mr. Davis replied that that was part of the proposal and when it "jumps" over to Parkview, it would go to the 30-minute parking.

Ms. Zanon advised that parking was available on the south end of the lot, just south of the Library over by the recycling bins.

Mr. Davis said that during certain times and seasons it was not a bad walk from that location but in times of extreme temperature it was not a desirable place to park.

Mr. Davis emphasized that the Post Master made it clear that they were not going to get themselves involved in what they considered to be a municipal parking problem and their employees.

Councilmember Dickey asked if the Postal Service had a policy in place to stop the employees from parking in their own parking lot and Mr. Davis replied that the Post Master had said, "Where our employees park was something that we have no jurisdiction over." Councilmember Dickey said that they could park in the Postal Service's parking area and asked why that did not happen. Mr. Davis said that he was not sure that some of the employees did not park there while others parked outside.

Discussion ensued relative to the fact that the Postal Service had said that with all of the cars that they had and with the mail trucks coming in and going out, loading and unloading, the parking in their area had to be limited to postal vehicles and not personal vehicles and the fact that there used to be parking in that area but they took it away.

Mr. Davis stated that the Post Master said that willingness was not the issue, and in fact, he sympathized with the Town and could see their perspective, but he claimed not to have any power or ability to rectify the situation.

Councilmember Dickey suggested that staff find out how they prevented their employees from parking in their own parking lot. She said that perhaps what made that non-parking enforceable could be useful in getting them not to park in the areas of concern. Mr. Davis said that he would follow up on that question and report his findings.

Mr. Davis asked, in the meantime, if the Council was comfortable with staff moving ahead with the two-hour parking and a number of Councilmembers indicated that they were.

Councilmember Hansen noted that she had counted the cars coming to work today and there were a lot of cars. She commented on the possibility of charging a monthly parking fee. Discussion ensued relative to the fact that that would result in other issues, i.e. hiring a meter maid.

Mr. Davis said that if they were really going to be entrepreneurial they could obtain a piece of Bashas' property, asphalt it and put in a self-monitoring gate system where people had to put their own money in (one big parking meter).

Councilmember Dickey asked why, when they put the Post Office in, they were not required to put in a certain amount of parking spaces. Mr. Davis said that about two years ago had they changed their methodology on how they delivered mail and that was when the problem started to emerge. He stated that prior that, the carriers were using their own cars to deliver mail to a large degree and now they were using trucks. Mr. Davis said that he believed Federal jurisdiction would over-ride the Town's.

Mr. Ward agreed that he did not believe that the Town had any regulatory ability as far as the Postal Service and their parking arrangements because it was a Federal site.

Councilmember Contino noted that they were building a new Post Office on Thompson Peak and that should provide some relief when completed. He added that the Postal Service could not tell union people what to do.

Vice Mayor Leger referred to the two-prong approach proposed by staff and said that they were moving forward on the first part but not on the second.

Mr. Davis asked if staff could at least look into whether they could make the situation as safe as possible to allow them to park on the east side of La Montana.

The Vice Mayor said he was opposed to moving in that direction.

Councilmember Archambault expressed the opinion that if they were going to try and restrict parking along the area discussed then they would have to provide relief somewhere else. He added that he would be cautious because of the boxes at that location and all of the traffic.

Mr. Davis stated the opinion that they could not wait to find a resolution as far as that so he would still stand by his proposal to proceed now with the two-hour parking and then continue to look at some options for the future.

Councilmember Archambault commented that they could also erect signage that says, "Additional Parking at XX."

Mayor Schlum asked if they would prefer to have the bike lane remain a bike lane and not allow parking and have the parking areas managed so that the cars were not there all day.

Vice Mayor Leger stated that removing the bike lane defeats their goal of being a pedestrian friendly, user friendly and bike friendly community.

Mr. Davis thanked the Council for their input and said that he would move forward by working with Mr. Ward and Mr. Kurth to get the two-hour parking in those locations as discussed. He added that staff would continue to ask questions and look at options that could provide some relief.

Mayor Schlum thanked Mr. Davis for his presentation.

### **AGENDA ITEM #3 - ADJOURN THE ADMINISTRATIVE SESSION.**

Councilmember Contino **MOVED** to adjourn the Administrative Session and Councilmember Archambault **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The Administrative Session adjourned at 6:20 p.m.

### **REGULAR SESSION**

#### **\*CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Schlum called the Regular Session to order at 6:30 p.m.

**\*INVOCATION** - Pastor Don Lawrence, Christ's Church of Fountain Hills

**\*ROLL CALL** - Present for roll call were the following members of the Fountain Hills Town Council:  
Mayor Schlum, Councilmember Contino, Vice Mayor Leger, Councilmember McMahan, Councilmember

Hansen, Councilmember Archambault and Councilmember Dickey. Town Attorney Andrew McGuire, Town Manager Rick Davis and Town Clerk Bev Bender were also present.

Mayor Schlum announced that Councilmember Hansen would be celebrating a birthday on January 18th and Councilmember Dickey's birthday would take place on Inauguration Day. He wished them both a very happy birthday.

**\*MAYOR'S REPORT**

None.

**\*SCHEDULED PUBLIC APPEARANCES**

- (i) Presentation by El Salvador's Honorary Consul Enrique Melendez regarding the status of the country, the Fountain Hills Rotary Club donation, the Mayo Clinic and Scottsdale Health Care visit, and objectives under El Salvador's new government following their March 2009 election.

El Salvador's Honorary Consul, Enrique Melendez, addressed the Council and said that each year the Foreign Ministry requests that he make a presentation to the government leaders and to the community where a Sister City relationship existed. He expressed appreciation to the Council for allowing him this opportunity and also thanked the three former Fountain Hills Mayors, Miles, Morgan and Nichols for their outstanding efforts in the past. He provided a brief overview of the impact all three Mayors had had on the Sister Cities Program and said that they were all respected and loved by the government of El Salvador and his family.

Mr. Melendez highlighted a brief presentation on the status of his country, discussed the Fountain Hills Rotary Club donation, the Mayo Clinic and Scottsdale Health Care visit and objectives under El Salvador's new government following their March 2009 election.

Mr. Melendez, speaking on behalf of El Salvador, thanked the Council, citizens of Fountain Hills and everyone who had participated in the Sister Cities Program for their continued support and assistance. He said that he looked forward to having the members of the Council visit his country and added that Fountain Hills was his home and he was very proud to be a part of the community.

Mayor Schlum thanked Mr. Melendez for his presentation.

- (ii) Mayor Schlum to read a proclamation recognizing Kate Zanon's service to the Town of Fountain Hills.

Mayor Schlum read a Proclamation into the record and stated that Kate Zanon was first employed by the Town of Fountain Hills on August 16, 2004 and over the past four years and five months, she had held the positions of Planner, Assistant to the Town Manager, Interim Town Manager and, once again, Assistant to the Town Manager.

The Mayor stated that Ms. Zanon had demonstrated an extraordinary work ethic and total dedication to her responsibilities during her employ. He added that she had faithfully and conscientiously served the citizens of the Town and contributed to numerous projects that will continue to have an impact on Fountain Hills. Mayor Schlum stated that it was his honor to proclaim the gratitude of the Town Council and citizens of Fountain Hills for the meritorious service and loyalty rendered by Kate Zanon to this community.

Mayor Schlum announced that there would be a reception next week to thank Kate and welcome the newly-hired Economic Development Administrator. He invited citizens to attend.

Town Manager Rick Davis commented on the fact that Ms. Zanon had also performed the duties of Deputy Town Manager during her tenure with the Town.

(iii) Mayor Schlum to read a proclamation declaring January 20, 2009 Pony Express Day.

Mayor Schlum read a proclamation into the record and stated that the Pony Express played a particularly important and colorful part in the history of the West dating back between 1860 and 1861. He said that each year, the Pony Express riders were remembered with a commemorative ride by the members of the Hashknife Gang, traveling from Holbrook to Scottsdale, with Fountain Hills being the next to last stop on their trek. The Mayor stated that it was his honor to proclaim January 29, 2009, Pony Express Day in the Town of Fountain Hills and invited all Town residents, visitors and visitors/residents of surrounding areas to join in the festivities and dress western to commemorate this part of their history in the West.

### **CALL TO THE PUBLIC**

Sharon Morgan, speaking on behalf of Sister Cities, addressed the Council and said that they had become very attached to the three students from El Salvador and that she knew that this attachment would only increase over the entire six-month visit. She discussed her last visit to El Salvador and commented on all of the dental work that one of the Town's dentists performed pro bono and said that they brought down there almost 2,000 toothbrushes, tubes of toothpaste and dental floss and noted that the materials were all donated by the dental community in Fountain Hills. She discussed other contributions that were made and announced that they were getting ready to start a blanket drive. Ms. Morgan expressed appreciation to all of the citizens for their continued support and thanked the Council, during this difficult economic time, for keeping the Sister Cities in mind when formulating their budget.

Mayor Schlum thanked Ms. Morgan for her diligence and efforts and commented on the fact that all of the donations and trips were not funded through the Town but rather were the result of citizens' generosity and individuals who paid for the trips out of their own pockets.

### **CONSENT AGENDA**

#### **AGENDA ITEM #1 – CONSIDERATION OF APPROVING THE TOWN COUNCIL MEETING MINUTES FROM DECEMBER 15 AND 18, 2009.**

#### **AGENDA ITEM #2 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY RICHARD JONES (AMERICAN LEGION POST 58) FOR THE PURPOSE OF A FUNDRAISING EVENT, LOCATED AT 16837 E. PARKVIEW AVENUE, FOUNTAIN HILLS, AZ, SCHEDULED TO BE HELD ON FEBRUARY 20 AND 21, 2009 FROM 9:00 A.M. TO 11:59 P.M. AND ON FEBRUARY 22, 2009 FROM 10:00 A.M. TO 11:59 P.M.**

#### **AGENDA ITEM #3 - CONSIDERATION OF A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY RICHARD JONES (AMERICAN LEGION POST 58) FOR THE PURPOSE OF A PONY EXPRESS FUNDRAISING EVENT LOCATED AT 16837 E. PARKVIEW AVENUE, FOUNTAIN HILLS, AZ, SCHEDULED TO BE HELD ON JANUARY 23, 2009 FROM, 9:00 A.M. TO 11:50 P.M.**

#### **AGENDA ITEM #4 - CONSIDERATION OF A FINAL REPLAT OF A PROPERTY LOCATED AT 15821 E. OCOTILLO DRIVE (PLAT 604D), BLOCK 6, LOTS 5 & 6), IN ORDER TO COMBINE THE TWO LOTS INTO ONE LOT. CASE #S2008-10.**

Councilmember Archambault **MOVED** to approve the Consent Agenda as listed and Councilmember McMahan **SECONDED** the motion. A roll call vote was taken with the following results:

|                      |     |
|----------------------|-----|
| Councilmember Dickey | Aye |
| Mayor Schlum         | Aye |
| Vice Mayor Leger     | Aye |
| Councilmember Hansen | Aye |

|                           |     |
|---------------------------|-----|
| Councilmember Contino     | Aye |
| Councilmember McMahan     | Aye |
| Councilmember Archambault | Aye |

The motion **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #5 – CONSIDERATION OF A POSSIBLE ALTERNATIVE LOCATION FOR THE PREVIOUSLY DONATED AND ACCEPTED SCULPTURE TITLED "FREEDOM."**

Director of Parks and Recreation Mark Mayer addressed the Council relative to this agenda item and stated that on December 4<sup>th</sup> there were a number of pieces of art he had brought forward for the Council's consideration. He noted that all of the pieces were accepted and all of the locations were approved with the exception of this particular piece. He said that the Council had directed staff to work with the Public Art Committee in an effort to identify an alternative location for the sculpture titled "Freedom" due to some of the concerns that had been raised. He advised that they had followed the Council's direction and wished to present a recommendation relative to the potential location of the sculpture along the Avenue of the Fountains just west of the turnaround area. Mr. Mayer advised that a site map and photograph of the actual location had been included in the Council's packets. He noted that the piece, if approved by the Council, would be placed immediately adjacent to the fountain - it would not be placed on top of that particular fountain, but rather to the side, because of some pipes that ran through that area. He added that staff had revised the installation cost and said that it was higher than they had typically see on an installation because of the interior there would be a combination of concrete block covered with native stone.

Mr. Mayer discussed an additional change that had come about as a result of a conversation between Vice Mayor Leger and a woman associated with his Church. He advised that Aileen Renkel had stepped forward and indicated that she was interested in perhaps supporting the donation of this piece. He announced that she had since graciously written a check in memory of her son and so the cost (\$19,900) that was originally going to come out of the 1% fund was now a donation instead. He said that this evening staff was seeking approval relative to the proposed location of the sculpture and installation costs in the amount of \$4,200.

Vice Mayor Leger announced that Ms. Renkel was present and recognized her for her generous contribution.

Councilmember Contino **MOVED** to approve the location of the bronze sculpture entitled "Freedom" in the Avenue of the Fountains at the location recommended by the Public Art Committee and to authorize the expenditure of up to \$4,200 for the installation to come from the 1% Public Art Fund and Councilmember McMahan **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #6 – CONSIDERATION OF A TEMPORARY USE PERMIT FOR THE TOWN CENTER MERCHANTS GROUP FOR REPEATING OUTDOOR RETAIL SALES EVENTS FOR 2009 (TU2008-10).**

Planner Gene Slechta addressed the Council relative to this agenda item and said that the request was for repeat outdoor sales in the Town Center area. He noted that Kate Zanon, on behalf of the Town Center Merchants Group, had requested that Town Center merchants be allowed to conduct outdoor retail sales and displays on days coinciding with the many holidays and special events that occur in the Town. He noted that most temporary use permits were approved administratively; however, multiple reoccurring like use events, such as these outdoor retail sales events, require review and approval by the Town Council. He explained that the events were for calendar year 2009 and would run from 8:00 a.m. until 9:00 p.m. on the dates listed on the spread sheet contained in the Council's packets (copy of the presentation available in the Town Clerk's office).

Mr. Slechta advised that merchandise displayed and sold must be associated with the business itself and, as outlined in Ms. Zanon's narrative, special signage would be allowed on Saguaro Boulevard and Avenue of the Fountains for up to six events, plus each business would be allowed signage that met the current signage guidelines. Mr. Slechta referred to a map that displayed the three areas where the events would take place. Mr. Slechta noted that one of the dates contained on the list, February 14<sup>th</sup> through the 16<sup>th</sup> should be changed to



February 13th through the 15th. He said that if the Council approved the temporary use permit, their approval should include this date change.

Mr. Slechta informed the Council that the request was posted, notices were mailed, and staff had not received any objections to the request and that staff recommended approval of the temporary use permit for the Town Center Merchants Group for repeating outdoor retail sales events for 2009 subject to the stipulations as outlined in the staff report and including the correction to the Valentine's Day event, as outlined above. He thanked the Council for the opportunity to address them and indicated his willingness to respond to any questions.

Town Clerk Bev Bender advised that there were no citizens wishing to speak on this item.

Councilmember Dickey **MOVED** to approve a temporary use permit (TU2008-10) for the Town Center Merchants Group for repeating outdoor retail sales events for 2009, subject to the stipulations outlined in the staff report and the date change for the Valentine's Day event to February 13th through February 15th and Councilmember Archambault **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Ms. Zanon addressed the Council and said that the Town Center had started to form and coordinate last June and this was kicked off with an open house in July. She noted that since then they had been working on a variety of projects and trying to get more businesses to work together. She stated that this was one of those first great projects; establishing a schedule to allow all of the businesses to come together and support other events in the community. She added that this would help to achieve one of the Council's goals -- continue to grow events, work together, and to create more traffic in the downtown area. She expressed appreciation to the Council on behalf of the group for their approval.

Ms. Zanon announced that on Tuesday evening from 5:30 p.m. to 7:00 p.m. another business open house would take place at the Community Center and stated that all of the businesses in the community were invited to come and learn more about what they were doing.

Ms. Zanon also thanked Mayor Schlum and the Council for the Proclamation read earlier in the meeting and said that it had been an honor and a privilege to work for the Town of Fountain Hills.

**AGENDA ITEM #7 – CONSIDERATION OF A SPECIAL EVENT APPLICATION FOR THE THUNDERBIRD ARTIST'S ANNUAL FOUNTAIN HILLS FINE ART AND WINE AFFAIRE SPONSORED BY THE FOUNTAIN HILLS DOWNTOWN BUSINESS COMMUNITY SCHEDULED TO BE HELD ON AVENUE OF THE FOUNTAINS MARCH 20, 2009 THROUGH MARCH 22, 2009 AND WILL REQUIRE CLOSURE OF AVENUE OF THE FOUNTAINS, NORTH SIDE ONLY, BETWEEN SAGUARO BOULEVARD AND LA MONTANA DRIVE.**

Mayor Schlum advised that Agenda Items 7, 8, 9 and 10 would be discussed at the same time.

Finance Director Julie Ghetti addressed the Council relative to these agenda items and stated that in keeping with the Council's Strategic Plan initiative of strengthening their small Town identity, the Fountain Hills Fine Art and Wine Affaire, to be held on March 20th through March 22nd, was another community event. She noted that the event was reviewed by the Special Events Committee, which included law enforcement and fire, and said that the number one goal was ensuring that the event was successful while at the same time providing for the safety and well being of the residents and visitors. She stated that the Special Events Committee recommended approval of the Special Event application. She noted that some staff members would be required to work in excess of regularly scheduled hours but added that this service was provided to the Fountain Hills downtown business community as part of their contribution to the special event process.

Ms. Ghetti advised that for the event the north side of Avenue of the Fountains would be closed to vehicular traffic from Thursday night at 5:00 p.m. until Monday morning at 7:00 a.m. and there would be barricades and entrances for patrons to participate.

Councilmember McMahan asked whether the area would be fenced off and Ms. Ghetti replied that the area would be completely fenced.

In response to a question from Councilmember Hansen, Ms. Ghetti said that she believed in this case the fencing would be in areas where alcohol would be served but the businesses were participating so they would be allowed to have sidewalk sales (there would be access to the businesses).

Councilmember Contino asked whether they would be charging to get into the event and Ms. Ghetti advised that Fountain Hills' residents would not be charged but out-of-Town people would be charged.

Ms. Bender advised that there were no citizens wishing to speak on these agenda items.

Councilmember Hansen **MOVED** to approve the Fountain Hills fifth annual Fine Art and Wine Affaire as stipulated by staff and Councilmember Archambault **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #8 - CONSIDERATION OF A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY DOWNTOWN BUSINESS COMMUNITY (JIM HEASLEY) FOR SPONSORING THE THUNDERBIRD ARTIST'S ANNUAL FOUNTAIN HILLS FINE ART AND WINE AFFAIRE SCHEDULED TO BE HELD ON AVENUE OF THE FOUNTAINS, WHICH IS SCHEDULED FOR MARCH 20 - MARCH 22, 2009 FROM 10:00 A.M. TO 5:00 P.M.**

(For discussion see Agenda Item #7.)

Councilmember Archambault **MOVED** to approve the Special Event Liquor License application for the Downtown Business Community as presented and Councilmember Dickey **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #9 - CONSIDERATION OF A WINE FESTIVAL LICENSE/WINE FAIR LICENSE APPLICATION SUBMITTED BY DENNIS MINCHELLA (KOKOPELLI WINERY) FOR PARTICIPATION IN THE THUNDERBIRD ARTIST'S ANNUAL FOUNTAIN HILLS FINE ART AND WINE AFFAIRE TO BE HELD ON AVENUE OF THE FOUNTAINS, WHICH IS SCHEDULED FOR MARCH 20 - MARCH 22, 2009 FROM 10:00 A.M. TO 5:00 P.M.**

(For discussion see Agenda Item #7.)

Councilmember Hansen **MOVED** to approve the Wine/Fair Festival License for Kokopelli Winery as presented and Councilmember McMahan **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #10 - CONSIDERATION OF A WINE FESTIVAL LICENSE/WINE FAIR LICENSE APPLICATION SUBMITTED BY ERIC GLOMSKI (PAGE SPRINGS CELLARS) FOR PARTICIPATION IN THE THUNDERBIRD ARTIST'S ANNUAL FOUNTAIN HILLS FINE ART AND WINE AFFAIRE TO BE HELD ON AVENUE OF THE FOUNTAINS, WHICH IS SCHEDULED FOR MARCH 20 - MARCH 22, 2009 FROM 10:00 A.M. TO 5:00 P.M.**

(For discussion see Agenda Item #7.)

Councilmember Archambault **MOVED** to approve the Wine/Fair License for Page Springs Cellars as presented and Councilmember Hansen **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #11 - CONSIDERATION OF A SPECIAL EVENT APPLICATION FOR THE GREAT FAIR SPONSORED BY THE FOUNTAIN HILLS CHAMBER OF COMMERCE TO BE HELD FEBRUARY 20 THROUGH FEBRUARY 22, 2009 AND WILL REQUIRE CLOSURE OF PARTS OF AVENUE OF THE FOUNTAINS, PARKVIEW AVENUE, VERDE RIVER DRIVE AND SAGUARO BOULEVARD.**

Mayor Schlum advised that Agenda Items 11 and 12 would be discussed at one time.

Ms. Ghetti addressed the Council and advised that this was the 26th year that the Chamber of Commerce would be holding the Great Fair, a very popular event in Town. She advised that the Committee had reviewed the application and recommended approval with some stipulations. She added that the Chamber had agreed to meet the stipulations. Ms. Ghetti indicated her willingness to respond to questions from the Council.

Ms. Bender advised that there were no citizens wishing to speak on these agenda items.

Councilmember Contino **MOVED** to approve the Special Event Application for the Great Fair as stipulated and Councilmember McMahan **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #12 - CONSIDERATION OF TWO (2) SPECIAL EVENT LIQUOR LICENSE APPLICATIONS SUBMITTED BY BRUCE THULIEN (VFW POST 7507) AS A COMPONENT IN THE FOUNTAIN HILLS CHAMBER OF COMMERCE'S GREAT FAIR SPECIAL EVENT BY SPONSORING TWO BEER GARDENS FOR THE PURPOSE OF FUNDRAISING. ONE BEER GARDEN WILL BE LOCATED AT (i) THE INTERSECTION OF SAGUARO BOULEVARD AND AVENUE OF THE FOUNTAINS WITH THE OTHER BEER GARDEN LOCATED AT (ii) SAGUARO BOULEVARD AND PALISADES BOULEVARD. THE TWO BEER GARDENS ARE SCHEDULED TO BE HELD FEBRUARY 20 -21, 2009 FROM 9:00 A.M. TO 10:00 P.M.**

(For discussion see Agenda Item #11.)

Councilmember Hansen **MOVED** to approve the two Special Event Liquor License applications for VFW Post 7507 and Councilmember McMahan **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #13 - PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE 09-01, AMENDING CHAPTER 8, OUTDOOR LIGHTING CONTROLS, RELATING TO THE GENERAL REQUIREMENTS AND PROHIBITIONS.**

Mayor Nichols declared the public hearing open at 7:10 p.m. and said that they would discuss Agenda Items 13 and 14 at the same time.

Environmental Planner Raymond Rees addressed the Council and provided brief background information relative to this agenda item. He said that mid-year in 2008 the Town received a complaint from a citizen relative to possible excessive lighting at a local business. He stated that a Code Enforcement staff member went to the site, conducted an investigation and brought back information upon which staff determined that there was possibly excess lighting on that building. Mr. Rees advised that staff contacted the building owner as well as the architect on the project and added that the architect was asked to come in to discuss the lighting on the building. He stated that it was determined that the lighting on the building was compact fluorescent lighting and it did exceed the allowed wattage for that lighting application. The architect indicated that there were a number of buildings in Town that currently utilize the same type of lighting and noted that the industry standards were changing for lighting and the Town possibly needed to review its lighting ordinance. Mr. Rees advised that staff conducted their own investigation and looked at other buildings in Town and found that there were some similar lights on other buildings. He noted that the buildings were fairly new in Town.

Mr. Rees informed the Council that staff determined that they did need to revisit the Town's lighting ordinance and they took the information that they had gathered to the Planning and Zoning Commission for their consideration. He reported that after three meetings with the Commission, the Commissioners recommended that staff bring their proposed ordinance forward to the Council for consideration. He said that the Planning and Zoning Commission and staff recommended approval of Ordinance 09-01.

Vice Mayor Leger said that as they change their ordinance and began encouraging the use of fluorescent bulbs for obvious reasons (energy efficiency, environmentally sound, etc.), more and more people were utilizing this same type of fluorescent lighting in their homes, he wanted to know, from an environmental perspective, if there would be more fluorescent lights to dispose of (which contained mercury), so had the Town looked at that issue and were there ways that the Town was going to educate business owners who would be using these lights?

Mr. Rees replied that staff was looking into possible disposal of the compact fluorescent lighting. He advised that currently, local hardware store ACE Hardware did accept all of the compact fluorescent bulbs along with other fluorescent bulbs for disposal. He said that they were looking at, in the near future, to possibly partner with some local businesses or maybe obtain donations to purchase a bulb crusher for the Town so they could provide that service for the citizens.

Ms. Bender advised that there were no citizens wishing to speak on this agenda item.

Councilmember Contino asked if the proposed amendment included sodium lights and Mr. Rees responded that it pertained strictly to compact fluorescent lighting and this was the only topic that was discussed with the Planning and Zoning Commission.

Councilmember Dickey noted that the Town valued its dark skies and stated the opinion that this was a great way to reach their goal of being environmentally conscious and maintaining the dark skies, which was also part of the Strategic Plan.

Mr. Rees said that the dark skies issues was one of the main points discussed at the meetings held with the Planning and Zoning Commission and discussed research that was conducted by staff.

Mayor Schlum thanked staff for their efforts in this important area.

Mayor Schlum declared the public hearing closed at 7:16 p.m.

**AGENDA ITEM #14 - CONSIDERATION OF ORDINANCE 09-01, AMENDING CHAPTER 8, OUTDOOR LIGHTING CONTROLS RELATING TO THE GENERAL REQUIREMENTS AND PROHIBITIONS.**

(See discussion under Agenda Item #13.)

Councilmember Dickey **MOVED** to approve Ordinance 09-01, amending Chapter 8, Outdoor Lighting Controls and Councilmember Archambault **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

**AGENDA ITEM #15 - QUARTERLY REPORT BY THE TOWN MANAGER ON THE PROGRESS OF IMPLEMENTING COUNCIL'S GOALS FOR FY2008-09.**

Town Manager Rick Davis addressed the Council relative to this agenda item and stated that during the Council's goal setting Retreat in February 2008, the Council identified eight primary goals for FY 2008-09. He said that a second Retreat was held with management staff to develop specific implementation plans and identify necessary resources to carry out the goals established by the Council. He stated that he was pleased to report that based on reports he that had been received from departments they were well on their way to accomplishing the goals that were set at that time (approximately 65% complete). He noted that there was one goal, to ensure responsible development of the Ellman Property, that was not on par with the amount of time that had already elapsed but he knew that the Council understood the reasons why. He said that staff anticipated that all of the goals would be completed by the end of the Fiscal Year.

The Council thanked Mr. Davis for his presentation and Mayor Schlum congratulated staff on their efforts to date.

**AGENDA ITEM #16 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER. ITEMS LISTED BELOW ARE RELATED ONLY TO THE PROPRIETY OF (i) PLACING SUCH ITEMS ON A FUTURE AGENDA FOR ACTION OR (ii) DIRECTING STAFF TO CONDUCT FURTHER RESEARCH AND REPORT BACK TO THE COUNCIL:**

A. None.

Councilmember Dickey mentioned that she had attended the dedication of the Polly Rosenbaum State Archives and History Building and said that it was a very exciting event and a long time in coming. She stated that it was very fulfilling to be there and to realize that people were embracing the past. She added that people who were planning for the future should always look to the past. She announced that Wednesday evening there was a Historical Museum dinner in Town.

Councilmember McMahan advised that Polly Rosenbaum was a great Arizona Legislator who had served for approximately 50 years and died at the age of 100 a few years ago. She contributed greatly to the State of Arizona.

**AGENDA ITEM #17 – SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE TOWN MANAGER.**

None.

**AGENDA ITEM #18 – ADJOURNMENT.**

Councilmember Contino **MOVED** that the Council adjourn and Councilmember Archambault **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The meeting adjourned at 7:20 p.m.

**TOWN OF FOUNTAIN HILLS**

By \_\_\_\_\_  
Mayor Jay T. Schlum

ATTEST AND  
PREPARED BY:

\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Administrative and Regular Sessions held by the Town Council of Fountain Hills on the 15<sup>th</sup> day of January 2009. I further certify that the meeting was duly called and that a quorum was present.

DATED this 5<sup>th</sup> day of February 2009.

\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk